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FILE *Personnel 2*DD/S 64-4629 *W*

27 AUG 1964

MEMORANDUM FOR: Executive Director-Comptroller

Kirk:

You asked for a summary statement about where we stand with our overtime policy. This is a highly technical and complex subject. Avoiding the technicalities, however, our current policy is that we pay overtime to people in grades GS-10 and below who are directed to work overtime by appropriate supervisory authority. People in grades GS-11 and above will not normally be directed to work overtime nor will they be authorized to receive overtime compensation or compensatory time off for overtime voluntarily contributed. People in grades GS-11 and above who occupy production positions, the productivity of which is measurable in units of production or hours of duty performed, may be paid. People who complete a work week in excess of forty-eight hours in performance of assigned duties may also be paid, but no compensation will be paid or compensatory time off granted for hours of duty between forty and forty-eight. People directed to perform duties on each of the seven days of the week shall receive overtime compensation or compensatory time off for work performed on the sixth and seventh days of their work week.

You will recall that the General Counsel found this policy to be inconsistent with the Court of Claims decision in the case of Byrnes v. United States. He expressed the view that we should continue this policy, and thereby subject the unique powers of the Agency under Section 8 of the CIA Act to judicial review and probable adverse ruling, only if the issue is considered one of fundamental importance; or we could seek legislation; or we could adjust our policies to the Court decision. In consideration of all these factors, it was decided to revise our overtime policy.

We now have ready for coordination a proposed Regulation which would revise our overtime policy to require that all overtime officially ordered or approved shall be compensated by overtime pay or compensatory time off, except for people whose basic compensation equals the maximum rate for a GS-15 or for whom overtime payments would cause their compensation to exceed that rate. People in grades GS-09 and below will be paid for directed overtime unless they specifically request compensatory time off. Employees whose basic compensation rate is in excess of the maximum rate for GS-09 will be given compensatory time off in lieu of overtime pay unless the authorizing official determines that the employee cannot be given compensatory time off during the next

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ninety days. Deputy Directors and Heads of Independent Offices are charged with the responsibility for holding overtime to the absolute minimum.

It is superfluous to point out that the adoption of the new policy will infinitely complicate our problems in meeting the objective of reducing overtime by twenty-five per cent.

15/
R. L. Bannerman
Acting Deputy Director
for Support

SA-DD/S:RHW:nft(26 Aug 64)

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